

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Kenneth McMaster, }  
Plaintiff,  
-against- }  
J. Saunders, et. al.,  
Defendants,

First AMENDMENT  
COMPLAINT under

the Civil Rights Act,

42 U.S.C. § 1983

9:14-cv-1574 (TJM/ATB)

Jury trial: Yes.

I. Parties in this complaint:

A. Plaintiff,

Kenneth McMaster,

Upstate C.F.

P.O. Box: 2001

Malone, N.Y. 12953

U.S. DISTRICT COURT - N.D. OF N.Y.	
FILED	
MAR 2 6 2015	
AT	00:00
Lawrence K. Baerjan, Clerk - Syracuse	

B. Defendants,

No 1.) J. Saunders, Correction Officer

Great Meadow . C.F.

11739 State Rte. 22 P.O. Box #51

Constock, New York, 12821

No 2.) E. RAIMOS, Correction Officer

Great Meadow . C.F.

11739 State Rte. 22 P.O. Box #51

Constock, New York, 12821

NO.3.) J. Harrington Correction Officer  
Great Meadow C.F.  
11739 State Rte. 22 P.O. Box #51  
Cornstock, New York 12821-0051

## II. Statement of claim:

A.) Great Meadow C.F. is the Institution the events giving rise to my claim occurred.

B.) C-Block stairwell is where in the Institution event giving rise to my claim occurred.

C.) January, 16<sup>th</sup>, 2013, around 10:05 am is the date and approximate time the events giving rise to my claim occurred.

D) Facts: 1.) On January, 16<sup>th</sup>, 2013, at approximately 10:05 am Correction Officer J. Saunders at Great Meadow C.F. had come to Plaintiff Cell (C-4-3) and told him to get ready for a tier hearing.

2.) Plaintiff (McMaster) responded that nobody had told him to get ready for what ticket?

3.) Correction Officer J. Saunders had told the Plaintiff (McMaster) it's for a tier (2) II hearing, or maybe to be a witness.

4) Plaintiff Pursuant to Defendants' J. Saunders Order and got ready. As Plaintiff Steps out his cell (c-6-3) to get "Pat Frisk" by the defendant Correction Officer J. Saunders without Just cause or protection Correction Officer J. Saunders willfully and maliciously grabbed Plaintiff up and told him to walk.

5) AS of entering into the stairwell, with no warning to the Plaintiff (McMaster), defendant (J. Saunders) had hit the Plaintiff repeatedly with closed fists and forced him to fall down the stairs.

6) At the landing The defendants E. Raimo, and J. Harrington Correction Officers at Great Meadow C.F. Started to hit the Plaintiff (McMaster), with they batons in his Face, Chest, and Ribs Repeatedly.

7) Defendants J. Harrington) then grabbed the Plaintiff, by his hair and forced him against the console bars face first, then to the Concert floor face first.

8) The Defendants correction officers E. Raimo, J. Harrington, and J. Saunders then Continuously start hitting McMaster (Plaintiff) with they batons to his Ribs, Penis, Face and Chest area Stating and Shouting I bet You don't write complaints no more to Albany.

Causing the Plaintiff to Sustain Serious  
Injuries.

9) The actions of defendants, J.Saunders,  
E.Reino and J.Harrington, Correction Officers  
of Great Meadow C.F. where Intentional  
and Unwarranted. Violating Plaintiff's Eighth and  
First Amendment.

### III. Injuries:

Are as follow: Broking rib, Broke  
nose, whip lash and a chip tooth. Still  
have blood inside my urine from Jan  
17<sup>th</sup>. 2013. as well severe Physical and mental  
Pain and injuries.

### IV. Exhaustion of Administrative Remedies:

A) yes, I was confined in Great Meadow C.F.  
When this claim arise

B) yes, Great Meadow C.F. have a grievance  
Procedure.

C) yes, the grievance procedure at the Correction  
Facility where my claim arose cover some of  
my claim. and there is only one claim made.

D) Do not know, if the Correction Facility cover all  
of my claim.

E.) Yes, I did file a grievance in the Correction Facility Great Meadow where my claim lies arose.

F.) I did file a grievance about the events described in this complaint.

- \* 1) There is only one complaint.
- \* 2) The result was none. They told me they were going to investigate my grievance but I never heard from them again.
- \* 3) I had appeal to the Superintendent, then to C.O.R.C and also wrote I.G about this situation.

#### IV. Relief:

WHEREFORE, plaintiff request that this Court grant the following:

Compensatory and punitive damages to be determined at jury trial. And for audio and visual surveillance through out Great Meadow C.F. to stop customary abuse.

#### V. Previous lawsuits:

A.) No, I have not filed no other lawsuits in state or federal court dealing with the same facts involved in this action.

B/NO, I have not filed other law suits  
in state or federal court other wise  
relating to my Imprisonment.

Signed this 17<sup>th</sup> day of March, 2015.

I declare under penalty of  
Perjury that the foregoing is true  
and correct.

Signature of plaintiff: M.R. Kaine Det. Master

Inmate Number: #08-B-1832

Mailing address: Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953

I declare under penalty of perjury  
that on this 20, day of March, 2015

I will deliver this Complaint to prison  
authorities to be mailed to the Pro Se  
Office of the United States District Court  
of the Northern District of New York.

Plaintiff signature: Mr. Kamal De Mestre

Subscribed before me  
this 19 day of March, 2015

De Mestre  
NOTARY PUBLIC

Donna J. Mainville  
Notary Public State of New York  
New York State No. 01MA6221161  
County of Franklin  
My Commission Expires on: 05/24/2018

UPSTATE CORRECTIONAL FACILITY

P.O. BOX 2001

P.O. BOX 2001  
MAIL ONE NEW YORK 12953

NAME: Deepestek DIN: CB31832  
WALNUT, NEW YORK 12593

## CORRECTIONAL FACILITY

UNITED STATES POSTAGE  
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U.S. DISTRICT COURT  
LAWRENCE K. BAERMAN, CLERK  
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